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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,059	07/21/2005	Shin Kikuchi	273842US2PCT	3899
22850 7590 08/05/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER ALGAHAIM, HIFAL A				
ART UNIT 3663		PAPER NUMBER		
NOTIFICATION DATE 08/05/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/543,059

Applicant(s)

KIKUCHI ET AL.

Examiner

HELAL A. ALGAHAIM

Art Unit

3663

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to amendment filed on 12/18/2009. Claims 1-9 have been previously cancelled. Claims 10-21 are newly added claims. Claims 10-21 are pending examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-296070 in view of JP 9-115086.

Regarding claims 10 and 15: JP 2002-296070 discloses a navigation apparatus comprising: a receiving unit that receives an input for a departure place and a destination; a transmitting unit that transmits to retrieving server information for the departure place and the destination accepted by the receiving unit (**portable telephone, at least see abstract**); a route acquiring unit that acquires from the retrieving server information showing transportations to be used in each of a plurality of section routes to be included in a route that connects the departure place and the destination, the transportations being retrieved from the retrieving server based on the information for the departure place and the destination transmitted

by the transmitting unit (**route guiding service control center 11, at least see abstract**)
a guiding unit that performs a guidance based on the route (**display unit of the portable phone, at least see abstract**).

The JP 2002-296070 does not explicitly disclose a guidance controller that controls the guiding unit to perform the guidance only for a section route in which a public transportation system is not used as the transportation, when an instruction on whether to perform the guidance in the section route is received and an instruction to perform the guidance is received. However, JP 9-115086 discloses this limitation, at least see page 2, lines 7-8 of the translated document provided by applicant. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the feature taught by JP 9-115086 in the invention disclosed in JP 2002-296070 to find an optimal route.

Regarding claim 11: The combination of JP 2002-296070 and JP 9-115086 disclose the navigation apparatus according to claim 10, wherein the guidance controller displays soft buttons for issuing the instruction to perform the guidance for each of the section routes in which the public transportation system is not used as the transportation (JP 9-115086 discloses this limitation, at least see page 2, lines 10-17).

Regarding claim 12: The combination of JP 2002-296070 and JP 9-115086 disclose the navigation apparatus according to claim 10, wherein the section routes in which the public transportation system is not used includes a section route in which a traveling on foot is used as the transportation (see JP 2002-296070 abstract, walking

route included; see JP 9-115086 page 1, lines 14-17, route search is performed in a section where a user walks.

Regarding claim 13: The navigation apparatus according to claim 10, wherein:
the guidance controller controls such that voice guidance is not provided when the public transportation system is not used. JP 9-115086 discloses, while the user's moves by train, these operations of the mobile information device may be stopped, see page 2, lines 7-8. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to stops voice guidance while user moves by train to only provide information needed to the user.

Regarding claim 14: The navigation apparatus according to claim 10, wherein:
the guidance controller controls such that guidance is not provided when the public transportation system which is a train is used JP 9-115086 discloses, while the user's moves by train, these operations of the mobile information device may be stopped, , see page 2, lines 7-8.

Claims 15-21 are rejected using the same prior arts and same rationales as claims above.

Response to Arguments

Applicant's arguments in regards to claims above have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELAL A. ALGAHAIM whose telephone number is (571)270-5227. The examiner can normally be reached on Monday - Friday from 7:30 AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. A. A./
Examiner, Art Unit 3663

/Mark Hellner/
Primary Examiner, Art Unit 3663